

REMARKS/ARGUMENTS

Provisional Rejections For Obviousness-Type Double Patenting.

Applicant has copending U.S. Application Serial No. 09/877,405, filed on June 8, 2001 and U.S. Application Serial Nos. 10/060,418, 10/060,872, 10/061,079, 10/061,080, 10/060,859, 10/060,963, 10/060,861, 10/060,853, and 10/060,922, filed on January 29, 2002. The Examiner has issued various obviousness-type double patenting rejections between these different cases. Submitted herewith is a terminal disclaimer addressing all of the obviousness-type double patenting rejections raised by the Examiner in these various cases.

Rejection Under 35 USC 103 - Delucas and Weigl, et al.

The Examiner rejects claims 1-33 under 35 USC 103 as being unpatentable over Delucas et al. in view of Weigl et al.

As the Examiner notes, Delucas et al. teaches that solutions are flowed together to a crystallization zone where crystallization may then occur. However, unlike the present invention, the crystallization zone in Delucas et al. is not a microfluidic environment. The present invention, like Weigl et al., claims conducting crystallization experiments in a microfluidic lumen.

Weigl et al. teaches that two streams of fluid flow within the microfluidic lumen so that a laminar profile is established. Then, the flow of the two streams is stopped. This stoppage allows a diffusion gradient to form between the two streams. See Weigl et al., Col. 11, lines 54-66. As illustrated in Figure 1, Weigl et al. teaches that each of the two streams of fluid are consistent along the length of the stream within the lumen.

By contrast to Weigl et al., all of the pending independent claims specify that at least one of the first and second fluids varies such that a concentration gradient with regard to at least one component is formed along the length of the stream. This teaching to form a gradient along the longitudinal length of the stream in addition to the gradient formed between the two fluids is a novel feature of the present invention that is neither taught nor suggested by either Delucas et al. or Weigl et al. Applicant requests that the present rejection for obviousness be withdrawn in view of this distinction.

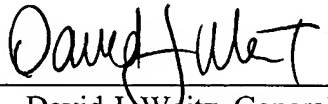
CONCLUSION

In light of the remarks set forth above, Applicant earnestly believes that he is entitled to a letters patent, and respectfully solicits the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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By: 

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